App. F. IX-4

1929
(Law)

File No. 75-29
Serial Nos. 9-11

Previous References
Law 9-29-3-4
" 68-29-1-6
" 93-31-1-2
" 75-29-1-8
Later References.
Law 6-36-20 & 23
" 16-35 (1-21)

Preserve
By
17/1/43

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

Part B for Jany 35

SUBJECT.

R. A. no. 38/28-29 on the file of the Hcl.
(re E. P. Goswamy vs Govt.)

Bangalore,....7th....September....1934

acw 75-29-9

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Repor
10/9/34

SIR,

With reference to your letter No. P.2940/Law. 75-29 dated the 30th November 1929, I have the honor to state that Regular Appeal No. 28 of 1929-30 on the file of the High Court of Mysore, (Puruchothamanandagiri Cosai VS. Government of Mysore) came on for hearing on 30-8-1934 and after hearing arguments on that day and on the 31st August and the 3rd and 4th September 1934, it was held that the - Temples and the Villages constitute a Public Trust, but that it was not proved satisfactorily that there was gross and persistent mismanagement on the part of the Plaintiff. In the result, the appeal was allowed but each party was ordered to bear his own costs throughout as each party had succeeded in part.

2. A copy of the Judgment has been applied for and the same will be sent to you as soon as it is received in this office.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

CSN.

Submitted for perusal.
Copy of the Judgt is awaited.
ISD 18/9
Put up the previous report showing the nature of the suit & the judgment of the Court
DPP 19/9

General and Revenue Secretariat

File No. of 1934. [App. F. III—2

Serial No.

3) This is an appeal against the Judgt & decree of the D Judge Mysore in O.S. 10/26-27 in which the plaintiff sought for declaration that the Khayam gutta Village of Bharatipura and magamahalli in Krishnarajpet Tk are devadaya properties in his management and that the order of the 2nd Judge is invalid. The appeal is reported to have been allowed. Copy of the Judgt is awaited.

Submitted for perusal.

150 27/9

(Jeu Rep)
Thro' Asst Secy Mus.)

MM 27.9

28/9/34

Second Number.

Cash. 29.9.34.

MM 29/9

2/10

MM. 2.10.34

4) Await Judgt copy

3357

R. A. 28 / 1929 — H. Ct. of Mys.
(Purushottama nandagori vs Govt.)

Law File No. 75 of 1929. General and Revenue Secretariat

Second Member.

OFFICE OF THE SECOND MEMBER OF GOVT. CIL.
20 NOV. 1934
No. 3609

19.11.34

23.11.34.

From,

The Muz. Commr.

no. 1157 / 1930 dt 15.11.34 forwarding a Copy of the Mys. D.C.'s letter dt 10.11.34 and soliciting order of Govt to refund to Rl. K.M. Dutt the Ct Costs received from him and to return the Credited Village of Bhartipura and Mayasandra Tanks with all the accounts books maintained by the Taluk office.

A Copy of the H. Ct. Judgt may be sent to the Muz. Commr for necessary further action

ISD. 12.

Put up a Dft G.O Sanctioning the refund return of papers

17/12

Serial No.

Copy of the Judgt is not made.
Original will be sent to Mun. Comr if appd
ISD

General and Revenue Secretariat

Law File No. 75 of 1929

[App. F. III–2

Serial No.

Rec'd with a dft G.O. ~~received~~ for appr.

ISD 19/12

Typed draft

MMP 18/12

TYPIST SECTION 18 DEC 1929 GENL

Typed dft rec'd

ISD 20/12

For approval

(Gen Secy)

MMP 20/12

MM 21/12/29

Issue

MMP 21/12

To,

The Mys. Comm.r

D.C. Mys

Comptroller to Govt.

G.O. No. P. 3219-21 Law 75-29-11 dt. 19.12.29

according sanction to putting into execution the decree passed by the H.Ct. in the appeal

2504 P 831

In reply please refer to
No. 4-10

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, 3rd November *193* 4.

5 47

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

GENERAL SECRETARIAT
5 NOV. 19

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

SIR,

In continuation of this office letter No.225, dated 7th September 1934, I have the honor to forward herewith, for the information of Government, a copy of the Judgment passed in Regular Appeal No.28 of 1929-30 on the file of the High Court of Mysore, (Purushotham-enandagiri Goswami VS. The Chief Secretary to Government and another).

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

3357 P 332

M C 13.]
No. 115/29-30
Encl 3

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 12th December *1934.*

13/14

Law 75-29-10

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

13 DEC. 1934

S. Abdul Wajid, Esquire., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

Subject:-

SIR,

R.A.No.28 of 1928-29 on the file of the High Court of Mysore
(Mr. E.P. Goswamy VS. Government.)

With reference to correspondence ending with this office -- letter No.115/29-30 dated 15th February 1934 re the above, I have the honour to forward herewith a copy of letter No.H.116/A.C. dated 10th November 1934 together with a copy of the decree received from the -- Deputy Commissioner, Mysore District, soliciting orders of Government to refund to Mr. K.M. Dutt the Court costs recovered from him and to restore the endowed villages of Bharatipur and Margowdanahalli with al the account books maintained by the Taluk Office.

2. The Government advocate says that a copy of the judgment was sent to you with his letter No.410 dated 5th November 1934. I reques that orders of Government on the points referred to in the Deputy --- Commissioner's letter may kindly be obtained and communicated to me early.

I have the honour to be,

Sir,

Your most obedient servant,

N Madhava Rao
Muzrai Commissioner.

Letter No.H.116/A.C. dated 10th November 1934 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

EX: No.51 of 31-32 recovery of court costs in O.S.18 of 26-27 (Mr. E.P. Goswamy Vs. Government) on the file of District Judge, Mysore.

In continuantion of this office letter No.H.116/A.C. dated 2nd February 1934 stating that a sum of Rs.530/ being the court costs due to Government in the above case, has been recovered from the plaintiff I have the honour to state that the plaintiff Mr.P.Krishnanandagiri Goswamy alias Mr. K.M. Dutt has furnished to this office an authenticated copy of the decree passed by the High court of Mysore in R.A.No.28 of 1929-30. It is seen therefrom that the proceedings of the Deputy Commissioner passed in Muzrai Case No.H.116/A.C. dated 20th September 1926 and confirmed in Government order No.1428/Muz.148-23 dated 5th February 1927 have been cancelled and that each party was ordered to bear his own costs throughout the litigation.

2. Mr. K.M. Dutt has presented two petitions praying (1) that the court costs recovered from him so far may be refunded to him with interest at 6% and (2) that the Kayamgutta villages of ~~xxxx~~ Bharathipura and Margowdanahalli may be restored to his possession with all the account books maintained by the Taluk Office.

3. I request that early orders of Government may kindly be obtai on the two prayers of Mr. K.M. Dutt. A copy of the judgment passed by the High Court may kindly be obtained from the Government Advocate and sent.

4. The copy of the decree and the two petitions received from ---- Mr. K.M. Dutt are enclosed.

"C o p y"

For Muzrai Commissioner.

Proceedings of the Government of H.H. the Maharaja of Mysore.

R e a d :-

Letter No.115/29-30 dated 13th December 1934 from the Muzrai Commissioner forwarding a copy of the Mysore Deputy Commissioner's letter No.H.116/A.C.dated 10th November 1934 together with a copy of the decree in R.A.28/28-29 on the file of the High Court of Mysore (Mr. E.P.Goswamy VS: Government), and soliciting orders of Government to refund to Mr.K.M. Dutt, the Court costs recovered from him in the marginally noted original suit and to restore the endowed villages of Bharatipur and Margowdanahalli with all the account books maintained by the Taluk Office.

O.S.18/26-27 on the file of the District Court, Mysore.

Order No. P 3219-21/Land Rev-11

Dated, Bangalore, the 27th December 1934

Bharatipur and Margowdanahalli the Khayamgutta villages in Krishnarajapet Taluk, belonging to Narasimheswara and Rameswara temples were resumed by the Deputy Commissioner, Mysore on the ground of their being grossly mismanaged. Mr.E.P.Goswamy the manager filed a suit (O.S.18/26-27) in the District Court, Mysore for cancellation of the order of resumption of the said villages. This suit was dismissed with costs, and a sum of Rs.530/- being Court costs due to Government was recovered from him.

In appeal to the High Court in

in R.A.28/28-29, the decree of the District Court has been however set aside, on the ground of insufficiency of proof as to mismanagement and each party has been ordered to bear his own costs throughout. This has therefore necessitated the refunding of the Court costs recovered. Government accordingly direct the Muzrai Commissioner to take necessary action in the matter to satisfy the decree passed by the High Court in appeal and to report through the Public Prosecutor, Mysore such satisfaction to the Court.

As regards restoration of possession of the villages resumed, Government observe that the decree of the High Court does not direct such restoration and the judgment in appeal clearly says that the cancellation of the order of Government under Section 9 of the Muzrai Regulation, 1913 is not to affect any order made under Section 165 of the Land Revenue Code. In his petition dated 30th October 1934, Mr. K.M.Dutt on behalf of Mr. Goswami admits of the existence of an order under section 165 L.R.Code. In these circumstances, Govt. direct that further action for restoration has to be taken in accordance with the provisions of the Land Revenue Code.

To

General Secretary to Govt.

The Muzrai Commissioner with a copy of judgment & enclosures, & his letter dated 2-3-35

The Deputy Commissioner, Mysore Dt.

The Comptroller to Government.

Copy to Muz.Branch.

mk.